In re Patent Application of
FLICK
Serial No. **09/993,930**
Filed: **NOVEMBER 16, 2001**

REMARKS

Applicant thanks the U.S. Patent & Trademark Office for correctly withdrawing the previous rejections of the claims in light of the Pre-Appeal Brief Conference. Applicant also thanks this new Examiner for the careful and thorough examination of the present application, and for correctly indicating that dependent Claims 2, 14, 25, 30, 35, 38, 49, and 61 recite patentable subject matter. Applicant submits that all claims are patentable and presents arguments below supporting such patentability.

I. The Claimed Invention

Independent Claim 1 is directed to a remote control system for moving an access door. The remote control system comprises at least one indicator, at least one uniquely coded remote transmitter, and a controller being switchable to a learning mode for learning a unique code of a remote transmitter to define a learned remote transmitter. The controller is also switchable to a door moving mode for moving the access door based upon receiving a signal from the learned remote transmitter. The controller cooperates with the at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned based upon the controller being switched to the door moving mode. Independent Claim 48 is a method counterpart to Claim 1.

Independent Claim 13 is also directed to a remote control system similar to Claim 1, but recites at least one remote switch causes the controller to cooperate with the at least one indicator for indicating whether a new uniquely

coded remote transmitter has been learned. Independent Claim 60 is a method counterpart to Claim 13.

Independent Claim 24 is also directed to a remote control system similar to Claim 1, but recites the controller cooperates with the at least one indicator for continuously indicating whether a new uniquely coded remote transmitter has been learned. Independent Claim 29 is also directed to a remote control system similar to Claim 1, but recites the controller cooperates with the at least one indicator for repeatedly indicating whether a new uniquely coded remote transmitter has been learned. Independent Claim 34 is also directed to a remote control system similar to Claim 1, but recites the controller cooperates with the at least one indicator for indicating that the learning mode has recently been exited.

II. The Claims Are Patentable

A. The Rejections of Claims 1 and 48 Are Overcome

The Examiner rejected independent Claims 1 and 48 over Liotine et al. Liotine et al. discloses a transmitter system capable of learning new transmission codes. The system comprises a receiver **30** and a transmitter **9**. (Figures 1 & 3 and Col. 1, lines 33-39). The receiver, when switched into a program mode through the toggling of a program mode switch **41**, accesses the current code stored in memory and generates a random new code based upon the old code. The new code is subsequently stored in the memory. (Col. 4, lines 42-50). The receiver, while still in the program mode and "immediately" after storage of the new code, transmits the new

code to the transmitter through an LED **36**. (Figure 4 and Col. 4, line 50).

For receipt of the transmission of the new code, the transmitter is placed in "close proximity to the receiver **30** such that the programming signal receiver **21** receives the information from the light emitting diode **36**." (Col. 4, lines 52-54). "The receiver continues to transmit the code until the program mode switch **41** is opened [in other words, exit program mode] after which the receiver monitors the receiver input port from the RF section and antenna." (Col. 4, lines 58-61). Upon receiving the new code from the LED of the receiver, "the transmitter decodes the incoming information and if the checksum is correct stores the new code in its non-volatile memory **13** and outputs a flashing ready signal to indicate that the programming cycle has been completed." (Figure 2 and Col. 5, lines 30-34).

Applicant respectfully submits that that Examiner has mischaracterized Liotine et al. More specifically, Liotine et al. does not disclose the controller cooperating with the indicator for indicating whether a new uniquely coded remote transmitter has been learned based upon the controller being switched to the door moving mode, as recited in independent Claims 1 and 48. The controller of the claimed invention is also switchable between a learning mode for learning a unique code of a remote transmitter and a door moving mode for moving the access door based upon receiving a signal from the learned remote transmitter. The Examiner cited the operation of the transmitter LED of Liotine et al. as disclosing the above highlighted claimed feature.

Differently, the transmitter LED of Liotine et al. lights based upon the programming cycle being completed and not whether the program mode switch **41** is in program mode or operation mode, as in the claimed invention. Moreover, the controller **33** of the receiver, which is switchable to and from a learning mode using the program mode switch, controls the receiver LED and not the transmitter LED cited by the Examiner. Accordingly, independent Claims 1 and 48 are patentable over the prior art.

B. The Rejections of Claims 13 and 60 Are Overcome

The Examiner rejected independent Claims 13 and 60 over Liotine et al. Independent Claims 13 and 60 recite at least one remote switch causing the controller to cooperate with the at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned. As discussed above, the transmitter LED of Liotine et al. flashes based upon the programming cycle being completed and not upon any remote switch, and the switchable controller of Liotine et al. does not cooperate with the cited transmitter LED. Hence, independent Claims 13 and 60 are patentable over the prior art.

C. The Rejections of Claims 24 and 29 Are Overcome

The Examiner rejected independent Claims 24 and 29 over Liotine et al. Independent Claims 24 and 29 recite the controller cooperating with the at least one indicator for continuously/repeatedly indicating whether a new uniquely coded remote transmitter has been learned. As discussed

above, the switchable controller of Liotine et al. does not cooperate with the cited transmitter LED. Accordingly, independent Claims 24 and 29 are patentable over the prior art.

D. The Rejection of Claim 34 Is Overcome

The Examiner rejected independent Claim 34 over Liotine et al. Independent Claim 34 recites the controller cooperates with the at least one indicator for indicating that the learning mode has recently been exited. As discussed above, the switchable controller of Liotine et al. does not cooperate with the cited transmitter LED. Accordingly, independent Claim 34 is patentable over the prior art.

Accordingly, for the reasons discussed above, it is submitted that independent Claims 1, 13, 24, 29, 34, 48, and 60 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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CONCLUSIONS

In view of the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

JACK G. ABID
Reg. No. 58,237
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
407-841-2330
407-841-2343 fax
Attorney for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 6th day of August, 2007.